AN ACT

RELATING TO MOTOR AND OTHER VEHICLES -- OPERATORS' LICENSE - SAFE ROADS AND MANDATORY INSURANCE

Introduced By: Senators Ciccone, Jabour, Miller, Goodwin, and Conley

Date Introduced: March 01, 2018

Referred To: Senate Judiciary

It is enacted by the General Assembly as follows:

SECTION 1. Section 31-10-26 of the General Laws in Chapter 31-10 entitled "Operators' and Chauffeurs' Licenses" is hereby amended to read as follows:

**31-10-26. Issuance of license.**

(a) **Licenses - Valid form of identification.** The division of motor vehicles (the "division") shall, upon payment of the required fee, issue to every qualifying applicant an operator's or chauffeur's license. The license shall be approximately two and one-half inches (2 1/2") wide and three and one-half inches (3 1/2") long and shall bear on it a distinguishing number assigned to the licensee, the full name, date of birth, residence address, brief description of the licensee, a photograph of the licensee, whether the licensee has indicated a desire to donate tissue or organs pursuant to the provisions of chapter 18.6.1 of title 23, and either a space upon which the licensee shall write his or her usual signature with pen and ink or a facsimile of the signature of the licensee. No license shall be valid until it has been so signed by the licensee designated on it. **A negative An electronic** file of all photographs of licensees shall be maintained by the division of motor vehicles for a period of five (5) years.

Any applicant for a license under this subsection shall be required by the division to provide a valid social security number unless the applicant provides satisfactory proof that their presence in the United States is authorized under federal law, but they are ineligible for a social security number. A license issued under this subsection shall be a valid form of identification for
federal or state purposes.

(b) Driving privilege license – Not valid form of identification. Subject to the requirements and limitations of § 31-10-49, the division of motor vehicles shall, upon payment of the required fee, issue to every qualifying applicant a driving privilege permit or driving privilege license. The license shall be approximately two and one-half inches (2 1/2”) wide and three and one-half inches (3 1/2”) long and shall bear on it a distinguishing number assigned to the licensee, the full name, date of birth, residence address, brief description of the licensee, a photograph of the licensee, whether the licensee has indicated a desire to donate tissue or organs pursuant to the provisions of chapter 18.6.1 of title 23, and either a space upon which the licensee shall write their usual signature with pen and ink or a facsimile of the signature of the licensee. No driving privilege license or driving privilege permit shall be valid until it has been so signed by the licensee designated on it. All driving privilege licenses and driving privilege permits shall include a clear written indication on such license or permit that it shall not be a valid form of identification for federal purposes or state voting purposes. The driving privilege license shall be similar to a regular license with a different color in the license number field as in the license issued pursuant to § 31-10-26(a). The driving privilege permit shall be similar to a regular permit with a different color in the permit number field as in the driving permit issued pursuant to §§ 31-10-6 and 31-10-7. An electronic file of all photographs of licensees and permitees shall be maintained by the division of motor vehicles for a period of five (5) years. A driving privilege license holder shall not be eligible for a chauffeur endorsement under § 31-10-5. A driving privilege license or permit holder shall not be eligible for a license issued under § 31-10-26(a) when renewing a driving privilege license or permit unless the applicant meets all of the requirements for a license issued under § 31-10-26(a) including documentation to verify legal presence in the United States.

(c) The division of motor vehicles shall issue special licenses to those licensees who have indicated that they desire to donate tissue or organs, which conform to the provisions of the Rhode Island Revised Uniform Anatomical Gift Act, chapter 18.6.1 of title 23.

(d) Any person who is a law enforcement officer, meaning any permanently employed member of the state, city, or town police departments, sheriffs and deputy sheriffs, members of the marshal's unit, capitol police, and the state fire marshal and deputy fire marshals of the division of fire safety or a member of the department of attorney general, any permanently employed federal law enforcement officer assigned in Rhode Island, or any member of the United States Attorney's Office in Rhode Island or any employee of the R.I. department of corrections, as recommended by the director of the department of corrections, upon request of the applicant,
shall be issued a license which contains the applicant's official business address in lieu of a
residence address as required under the general provisions of this section.

(d) The license issued hereunder to a person applying for the first time shall be
designated as a "first license". A first license shall be issued for a one year period after which
time a permanent driver's license shall be issued according to this section.

(e) If an applicant for a license hereunder has been adjudicated for committing one
moving motor vehicle violation, has been involved in one reportable motor vehicle accident, or
both, he or she shall be summoned for a hearing before a judge of the traffic tribunal at which
time the driving record will be reviewed. The traffic tribunal judge shall determine if the person
should be granted an operator's license, be reissued a first license, or be denied a license to
operate a motor vehicle in the state of Rhode Island.

(f) Any person who is under the age of twenty-one (21) years shall, upon payment of
the required fee and upon meeting the qualifications for the receipt of an operator's or chauffeur's
license, be issued a license which shall be readily distinguishable in color from those licenses
issued to persons who are twenty-one (21) years of age or older. When a person under the age of
twenty-one (21) years to whom a license has been issued and whose license is in full force and
effect, attains his or her twenty-first birthday, he or she shall be entitled to receive a new license
of the type issued to persons who are older than the age of twenty-one (21) years of age or older
from the administrator of the division of motor vehicles upon demand at no expense. Every
person shall supply to the division of motor vehicles satisfactory proof of his or her date of birth.

(g) The division of motor vehicles shall issue special licenses upon the request of a
licensee which conform to the provisions of the Rhode Island Revised Uniform Anatomical Gift
Act, chapter 18.6.18.6.1 of title 23.

(h) The division of motor vehicles shall note in an appropriate manner a restriction on
any person's license who is prohibited from operating a motor vehicle that is not equipped with an
ignition interlock system as provided in chapter 27 of this title.

(i) Any personal digitized information contained within an operator's or chauffeur's
license shall be limited to: (a) the licensee's name, age, date of birth, address, gender, physical
description such as weight, height, hair color and eye color, signature and organ donor status; and
(b) the license number, commercial endorsements, expiration date, issue date, restriction and
class.

(j) Except to the extent an entity is authorized to renew drivers' licenses, or except for
financial institutions engaged in the verification of information for financial transactions,
nongovernmental entities shall not have access to any digitized information contained in an
operator or chauffeur's license other than the licensee's name, age, date of birth, signature, and
photographic image, and the license's expiration date; nor shall they store, record or retain any
such information obtained through a digital reading device. Access to digitized information by
such entities shall be solely for the purpose of determining the age of an individual for a
transaction, right or privilege available by law only to persons of a certain age.

(1) To the extent that nongovernmental entities shall have access to the digitized
information stored on an operator's or chauffeur's license, the entity shall be civilly liable for the
unauthorized access to, or retention or use of, such information by its agents or persons acting in
the name of the entity.

(1) The division of motor vehicles shall collect from applicants and licensees their
social security numbers and tax identification numbers only to the extent required by federal law.

Such numbers shall not be included, either digitally or visually, on the operator's or chauffeur's
license.

SECTION 2. Chapter 31-10 of the General Laws entitled “Operators’ and Chauffeurs’
Licenses” is hereby amended by adding thereto the following section:

31-10-49. Driving privilege licenses and driving privilege permits.

(a) In order to ensure that all drivers are knowledgeable of traffic safety laws and the safe
operation of a motor vehicle, the division of motor vehicles is authorized to issue driving
privilege licenses and driving privilege permits to any applicant who meets the licensure
requirements of this chapter but is unable to establish legal presence in the United States;
provided, however, such applicant shall submit the following documentation:

(1) Any one of the following documents that reliably proves the applicant's name, date of
birth, and place of birth:

   (i) A foreign birth certificate;

   (ii) A valid foreign passport that is unexpired or expired for less than three (3) years,
before the application for a driving privilege license or driving privilege permit is filed; or

   (iii) A valid unexpired consular identification document as authorized by the
administrator; and

(2) Any one of the following additional documents to establish identity and residency:

   (i) A certified record of the applicant's marriage, adoption, divorce, or other valid court
document including a certified translation if the document is not in English;

   (ii) A valid driver's license or state identification card issued by another state or U.S.
Territory;

   (iii) A U.S. military identification card;
(iv) A U.S. military dependent identification card;

(v) A valid foreign driver's license with the "International Driving Permit";

(vi) A certified school record including a certified translation if the document is not in English;

(vii) An INS Form I-688 (Temporary Resident ID Card);

(viii) INS Forms I-688B and I-765 (Employment Authorization);

(ix) An INS Form I-94; or

(x) The first page of a completed Homeland Security Form I-589 and a receipt of its filing;

(3) Two (2) forms of proof of a Rhode Island residential address that would include:

(i) A utility bill (gas, electric, telephone, cable or oil) in the applicant's name or in the name of an immediate family member with the same last name dated within the last sixty (60) days; or

(ii) A personal check or bank statement with the applicant's name and address dated within the last sixty (60) days, provided, a post office box will not be accepted as a sufficient address; or

(iii) A homeowner's or rental insurance policy for the applicant's residence with the applicant's name and address; or

(iv) A current property tax bill for the applicant's residence; or

(v) A letter from a Rhode Island shelter or halfway house indicating where the applicant resides. Such letter shall be on letterhead, shall be dated within thirty (30) days of presentation, and must include the name and contact information of an administrator of the shelter or halfway house; or

(vi) Any additional form of proof set forth in rules and regulations to be promulgated by the division of motor vehicles;

(4) Certification from the tax administrator that the applicant has filed tax returns with this state for the two (2) years preceding applying for a driving privilege license or driving privilege permit or the applicant has resided in Rhode Island and has been claimed as a dependent by an individual who has filed tax returns with this state for the two (2) years preceding applying for a driving privilege license or driving privilege permit; and

(5) Files an affidavit with the division of motor vehicles attesting that such applicant has filed an application to legalize their immigration status or will file such an application as soon as they are eligible to do so.

(b) Applicants for a driving privilege license will not be required to comply with
successful completion of the written exam required by § 31-10-21 and the road test required by §
31-10-22 if they can provide one of the following:

   (1) A current valid driver's license issued by a state or U.S. territory, not to include
driving privilege licenses or similar privileges given by other states; or

   (2) In the event the driver's license issued by another state or U.S. territory has expired by
less than one year, a certified driving record issued less than thirty (30) days prior to application
will be accepted.

(c) Applicants under the age of eighteen (18) shall be required to comply with all of the
education and testing requirements set forth in §§ 31-10-19 through 31-10-22 and all of the
provisions of the graduated licenses statutes set forth in §§ 31-10-6 through 31-10-6.5.

(d) Applicants eighteen (18) years of age and older who do not meet the driving
experience requirement in § 31-10-49(b) shall be required to comply with all testing requirements
set forth in §§ 31-10-21 through 31-10-22.

(e) For purposes of this title the term "license" shall include the "driving privilege
license" and "permit" shall include "driving privilege permit" as defined by this section and all
examinations, education requirements, residency requirements, penalties, fees and all other
provisions for a license or permit shall also apply to the driving privilege license and driving
privilege permit.

(f) Holders of a driving privilege license or driving privilege permit will be required to
conduct all renewals in person and comply with all documentation requirements in § 31-10-49(a).

(g) The driving privilege license and the driving privilege permit shall not be a valid form
of identification for federal purposes or state voting purposes.

(h) The applicant for a driving privilege license and the driving privilege permit shall be
required to comply with all other applicable Rhode Island laws and applicable rules and
regulations.

(i) The division of motor vehicles shall adopt rules and regulations to implement the
provisions of this section.

(j) A driving privilege license or a driving privilege permit shall not be used as evidence
of the holder's citizenship or immigration status, and shall not be used as a basis for a criminal
investigation, arrest or detention in circumstances where a person with a regular driver's license
that was not issued under this section would be criminally investigated, arrested or detained.
Provided further, any person aggrieved by a violation of this section may seek appropriate
declaratory and/or injunctive relief and may be awarded damages and costs, including attorneys' fees.
(k) It shall be a violation of chapter 112 of title 42 to discriminate against an individual
because they hold or present a driving privilege license or driving privilege permit issued under
this subsection.

(l) If the United States Department of Homeland Security determines that the licensing or
permit program established pursuant to this section does not satisfy the requirements of 6 C.F.R.
§ 37.71 adopted pursuant to section 202(d)(11) of the Real ID Act of 2005 (Pub. L. 109-13), the
division of motor vehicles shall modify the license or permit to comply with the Real ID Act of
2005 and any revisions made thereafter.

SECTION 3. This act shall take effect on July 1, 2018.

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This act would allow the department of motor vehicles to issue driving privilege licenses and driving privilege permits to applicants unable to establish lawful presence in the United States. The driving privilege licenses and driving privilege permits would not be valid for identification purposes.

This act would take effect on July 1, 2018.